

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RONALD HAFFKINE)	
)	
v.)	NO. 3:08-0346
)	JUDGE CAMPBELL
CAPITOL RECORDS, INC., and)	
EMI-CAPITOL MUSIC GROUP NORTH)	
AMERICA)	

ORDER

Pending before the Court are the following Motions:

1. Defendants' Joint Motion for Summary Judgment (Docket No. 38);
2. Defendants' Joint Motion in Limine to Exclude the Expert Opinion and Testimony of Steve Hoeffler (Docket No. 82); and
3. Plaintiff's Motion in Limine to Exclude Defendants's Expert Laroy Wolff (Docket No. 86).

The Court held a hearing on October 26, 2009. For the reasons stated from the bench, the Court made the following rulings:


The Defendants' Joint Motion for Summary Judgment (Docket No. 38) is GRANTED in part and DENIED in part. Plaintiff's Tennessee Consumer Protection Act claim and negligence claim are DISMISSED. All breach of contract claims as to Dr. Hook albums released prior to December 7, 2001 are DISMISSED as barred by Tennessee's six year statute of limitations. The Motion is DENIED as to the issues of Plaintiff as a third party beneficiary and Capitol's licensees. The laches issue is RESERVED as the parties agree it applies only to the claim for injunctive relief which is an issue for the Court, not the jury.

The parties shall file proposed supplemental jury instructions by Thursday, October 29, 2009.

Any motion in limine by the Plaintiff to exclude Defendants' in-house counsel, which was discussed at the hearing, shall also be filed by October 29, 2009.

The Defendants' Joint Motion in Limine to Exclude the Expert Opinion and Testimony of Steve Hoeffler (Docket No. 82) and the Plaintiff's Motion in Limine to Exclude the Defendants' Expert Laroy Wolff (Docket No. 86) are DENIED.

IT IS SO ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE